

Remarks:

Status of Claims

Claims 1-20 were previously pending. Claims 1, 3-8, 14-17, and 20 are currently amended. Thus, claims 1-20 are currently pending with claims 1, 17, and 20 being independent.

Office Action Summary

In the June 30, 2006, Office action, the Examiner rejected all pending claims under 35 U.S.C. § 112 ¶ 2, rejected claims 1-8, 11-15, and 17-20 under 35 U.S.C. § 102(b) as being anticipated by Geerlings (U.S. Patent No. 5,956,693), rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being obvious in view of Geerlings, and rejected claim 16 under 35 U.S.C. § 103(a) as being obvious in view of Geerlings and Kramer (U.S. Patent No. 6,327,574). Applicants respectfully submit that the Examiner's various rejections are overcome by the arguments and/or amendments made herein.

§ 112 Rejections

The Examiner rejected claims 1-20 for being indefinite based on the usage of the phrase "potential buyer." The claims have been amended herein to recite "customer" instead of "potential buyer" to more clearly claim aspects of the present invention such as using data representing interactions with previous customers (e.g., previous purchasers and non-purchasers) to recommend an action to be taken with respect to a current customer. As such, the Examiner's § 112 rejections are now moot.

§ 102 Rejections

All independent claims have been amended herein to recite statistically analyzing a collection of data representing historical interactions with a plurality of customers including at least one non-purchaser. This feature was originally recited in claim 3 and at least within paragraphs 0141 through 0147 of the specification (e.g. the client tickets). Such a configuration enables recommendations to be accurately generated utilizing pre-transaction data corresponding to non-purchasing customers.

In the Office action, the Examiner contends that Geerlings discloses the feature of analyzing data corresponding to at least one non-purchaser. In particular, the Examiner contends that Geerlings' use of a customer's product category interest (col. 3, ll. 9-40) necessarily means that Geerlings is operable to analyze data from non-purchasers (Office action, page 4).

However, when the teachings of the entire specification are considered, it is clear that Geerlings does not disclose or suggest analyzing data corresponding to at least one non-purchaser as is currently recited in all independent claims. Specifically, the interactions analyzed by Geerlings are limited to "shopping activity" consisting of "actions invoked by the customer, such as complaints, purchases, or other transactions" (col. 3, ll. 14-16). Throughout its specification, Geerlings equates "shopping activity" with transactions (col. 2, ll. 15-16; col. 6, ll. 10-17; etc.).

The transactions monitored by Geerlings are clearly limited to customer purchases (an exchange of money for goods) as Geerlings lacks any means of collecting non-purchaser data (such as the client ticket system provided by embodiments of the present invention). Instead, Geerlings monitors customer transactions that are recorded within a marketing database (col. 11, ll. 63-68) that is formed from previous customer purchases (col. 5, l. 57, through col. 6, l. 13).

Thus, the product category interest identified by the Examiner is clearly based on previous customer transactions (such as the product categories corresponding to previous customer purchases) and is not based on the preferences of non-purchasing customers. Consequently, Geerlings does not disclose or suggest analyzing data "representing historical interactions with a plurality of customers including at least one non-purchaser" as is currently recited in all independent claims.

§ 103 Rejections

The claims rejected by Examiner under § 103 depend from the independent claims discussed in the preceding section and thus are neither anticipated nor rendered obvious by the prior art of record.

Conclusion

Applicants respectfully submit that all pending claims are now in a condition for allowance. In the event of further questions, the Examiner is urged to call the undersigned.

A 3-month Petition for Extension of Time accompanies this Amendment, along with authorization to charge \$510.00 to the undersigned's Deposit Account No. 19-0522 for the petition fee set forth in 37 C.F.R. § 1.17. The Commissioner is further authorized to charge any additional fees associated with this communication or credit any overpayment to said Deposit Account.

Respectfully submitted,
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